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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/31/2003

Paul Francis Christ

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39949

7590

04/24/2008

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EXAMINER

NGUYEN, THUY-VI THI

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/749,952	<b>Applicant(s)</b> CHRIST, PAUL FRANCIS	
	<b>Examiner</b> THUY-VI NGUYEN	<b>Art Unit</b> 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/31/03</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Information Disclosure Statement***

1. The Information Disclosure Statements filed on 12/31/03 have been considered. Initialed copies of the Form 1449 are enclosed herewith.

### ***Claim Objections***

2. Claim 21 is objected to because of the following informalities: In the last limitation of the claim, there is a double term "system" recited. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 5 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Regarding claim 5**, it is unclear with the recited term "*not accessed via said electronic and /or communications channel or channels*". However, the third limitation of the independent claim (1) recited "*the multiple components occur via electronic and/or communications channel or channels*"; There is a contradiction between these claims. Further more, It is unclear to examiner in claim 5 "*wherein said a research*

*item information*" is recited. Is this different research item information as mentioned in claim 1?

**Regarding claim 17**, it is unclear to the examiner about the claim limitation.

The examiner doesn't understand the claim as recited "*wherein the component to allow delivery of said small unit research information manages delivery of said small unit research information from it said electronics and /or communications channel or channels location*". Is "the component to allow delivery" different than "a delivery component" as recited in claim 1? It is also unclear to the examiner of what is referred to the term "*from it said*" in the claim.

### ***Claim Rejections - 35 USC § 102***

**5.** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**6.** Claims 1-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobson et al. (US-2003/0036963).

**Regarding claim 1**, Jacobson discloses a method for a user to locate, select, purchase and receive delivery of small unit research information consisting of:

providing access through a user's interface device to a research item information system [...providing the researching information such as the real estate to the user; par. 0011; par. 0012; figures 1 and 4a-4i];

managing the delivery to said user's interface device of multiple components including a research item locator component for allowing said user to locate small unit research information [...e.g. *search feature (306) allow user to search for research information; search function (324)* (figure 3e; par. 0552); figures 4b, 4d; par. 0008; par. 0047], a transaction component to allow purchase of said small unit research information [...e.g. *order reports/information module for enabling the purchase of market reports* ( par 0010 and figure 3d (step 274); *users can click on the button to purchase the information*; par. 0253); and a delivery component to allow said user to acquire or otherwise receive said small unit research information [...e.g. *delivery of a variety of services to client including research information*; par. 0041; *allowing the user to view the report/information after purchasing*; par. 0488 and figure 3c (step 240 for viewing business information)] ;

having said delivery to said user's interface device of multiple components including said research item locator component, said transaction component and said delivery component occur via electronic and/or communications channel or channels [...shows the user's interfaces devices occur via electronic; figure 4b];

requiring said user to perform activity within said interface device to identify said small unit research information [...user perform activity such as entering the information (oracle building and click search); figure 4b];

managing the delivery to said user's interface device of one or more results to said user activity to identify small unit research information [...e.g. *display the search results pages (330)*, (figure 3e); par. 0586; *list of sorted results*; (figure 4a)];

requiring said user to perform activity to make selection from said results to said user activity to identify small unit research information [...user perform activity such as click to select a report 1,2,3; figure 4d];

permitting said user to make additions, alterations, or deletions to said selection from said results to said user activity to identify small unit research information [...e.g.; *user can use delete key clear*; par. 0561; *user can change/clear the search criteria*; par. 0581];

permitting said user to purchase or otherwise acquire one or more of said selection from said results to said user activity to identify small unit research information via said transaction component [...*allow user to purchase the reports/research information*; par. 0176; par. 0178 (figure 3d, step 274); par. 0253];

managing the delivery of said purchase or otherwise acquire one or more of said selection from said results to said user activity to identify small unit research information via said delivery component [...e.g. *view the reports after purchasing*; figure 3d, step 276];

allowing for each said user to be uniquely identified [...e.g. *user login* (252) figure 3d; ID, password; par. 0439; par. 0497; par. 0502; figure 3c];

creating stored user activity event based on said activity performed by said uniquely identified said users [...e.g. *updated the database with the user login information*; par. 0497]; and

allowing said user to repeat the process [...*user can change/clear or re-enter the search process*; par. 0581].

Furthermore, the "small unit" data is non-functional descriptive data. When presented with a claim comprising descriptive material, an Examiner must determine whether the claimed nonfunctional descriptive material should be given patentable weight. The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401,404 (Fed. Cir. 1983). The PTO may not disregard claim limitations comprised of printed matter. *See Gulack*, 703 F.2d at 1384-85, 217 USPQ at 403; *see also Diamond v. Diehr*, 450 U.S. 175, 191, 209 USPQ 1, 10 (1981). However, the examiner need not give patentable weight to descriptive material absent a new and unobvious functional relationship between the descriptive material and the substrate. *See In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994); *In re Ngai*, 367 F.3d 1336, 1338, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004). Thus, when the prior art describes all the claimed structural and functional relationships between the descriptive material and the substrate, but the prior art describes a different descriptive material than the claim, then the descriptive material is nonfunctional and will not be given any patentable weight. That is, such a scenario presents no new and unobvious functional relationship between the descriptive material and the substrate.

The Examiner asserts that the data "small unit" adds little, if anything, to the claimed acts or steps and thus do not serve as limitations on the claims to distinguish over the prior art. MPEP 2106IV b 1(b) indicates that "nonfunctional descriptive material" is material "that cannot exhibit any functional interrelationship with the way

the steps are performed". Any differences related merely to the meaning and information conveyed through data which does not explicitly alter or impact the steps is non-functional descriptive data. Except for the meaning to the human mind, the data small unit does not functionally relate to the substrate and thus does not change the steps of the method as claimed. The subjective interpretation of the data does not patentably distinguish the claimed invention.

**Regarding claim 2**, Jacobson discloses wherein said electronics and/or communications channel or channels comprises information technology networks and sources including local area networks, Internet, Intranet, Extranets and local equipment; and communication networks and sources including digital and analog over-the-air transmissions, wireless transmissions, cable transmissions, and satellite transmissions [figure 1].

**Regarding claim 3**, Jacobson discloses wherein said interface device comprises all connected, interrelated or otherwise associated equipment or devices that allow said user to experience and/or interact with other available, authorized and/or otherwise accessible resources within said electronic and/or communications channel or channels [...e.g. figure 1: *connection to user*; figure 3d: *interaction with user*; figure 4b: *user's interface*].

**Regarding claim 4**, Jacobson discloses wherein said research item information system resides within components containing an information technology processor and associated components that is accessed via said electronic and/or communications



channel or channels [...information technology processor such as *the server platform* (145); figure 1 and 2.]

**Regarding claim 5**, Jacobson discloses wherein said a research item information system resides within components containing an information technology processor and associated components that is local to said user and not accessed via said electronic and/or communications channel or channels [...*local database (150)*; figure 1].

**Regarding claim 6**, Jacobson discloses wherein said small unit research information comprises information of singular subject matter extracted or otherwise existing within a larger body of information but by itself is not sufficient to offer the necessary detail to fully understand the body of work from which it was drawn [...e.g. *“Market report” or “Association Newsletters” are the large body of information, wherein the “report or letter 1,2,3” are information of a singular subject matter extracted*; see figures 4h; 4i].

**Regarding claim 7**, Jacobson discloses wherein said small unit research information comprises information available in a plurality of formats including text, graphics, video, interactive communication, animation, audio; over-the-air transmission such as television and radio; tactile materials, olfactory materials, and other information formats [...e.g. *text*; par. 0530; figure 4h; 4i].

**Regarding claim 8**, Jacobson discloses wherein said small unit research information comprises information located and accessible through said electronics and/or communications channel or channels [figure 4d].

**Regarding claim 9**, Jacobson discloses wherein said small unit research information comprise:

materials used by one party in the process of educating, understanding, gaining knowledge, comprehending, and/or informing others [...e.g. *online research tool can be used for real estate sellers to research , evaluate and underwrite or gaining knowledge about the real estate markets, sub-markets and properties*; par. 0008];

materials supplied by another party including that developed by another party, that supplied but not developed by another party, and that referenced or linked by another party to other sources [...*materials such as real estate industry services is provided by services server platform (145)* par. 0020; and *server platform (145) is also provided hyperlink to a service provider's website*; par. 0026 and figures 4f, 4h]; and

materials that reside internally within components associated with said research item information system or reside externally to said research item information system and accessible via said electronic and/or communications channel or channels [...e.g. reside externally to the research item information system; see figures 4f and 4h].

**Regarding claim 10**, Jacobson discloses wherein one or more of components of said multiple components may exist separately or may exist concurrently within said user's interface device [...figures 4b and 4d].

**Regarding claim 11**, Jacobson wherein said research item locator component allows said user to search or otherwise locate said small unit research information within components associated with said research item information system or components that are external to said research item information system [...figure 4b]

**Regarding claim 12**, Jacobson wherein said component to allow purchase of said small unit research information provides access to elements necessary for processing a purchase transaction [...*purchase reports (274) figure 3d*]

**Regarding claim 13**, Jacobson wherein said elements necessary for processing a purchase transaction includes elements that are internal or otherwise directly associated with said research item information system [...*e.g. enter purchase information direct on the website; (par. 0176); directly connect to the site to view reports; figure 3, step 276*];

**Regarding claim 14**, Jacobson wherein said elements necessary for processing a purchase transaction includes elements that are external or otherwise not directly associated with said research item information system and are accessible via said electronic and/or communications channel or channels [...*e.g. access to market information is restricted to the "insiders' game; par. 0005*].

**Regarding claim 15**, Jacobson discloses wherein said component to allow purchase of said small unit research information provides access to elements necessary for processing a purchase transaction includes elements to allow purchase transactions using micropayment transactions [...*e.g. payments (can be small payment or large payment) for the report or research information purchase will be processed; par. 0176; par. 0304*]

**Regarding claim 16**, Jacobson discloses wherein said component to allow delivery of said small unit research information allows for electronic delivery and non-electronic delivery [...*e.g. electronic mail messages or mail delivery; par. 0020*]

**Regarding claim 17**, Jacobson discloses wherein said component to allow delivery of said small unit research information manages delivery of said small unit research information from it said electronics and/or communications channel or channels location [...e.g. figure 4d]

**Regarding claim 18**, Jacobson discloses wherein said delivery to said user's interface device of multiple components can occur with each components being delivered via the same said electronics and/or communications channel or channels or with different components being delivered via different said electronics and/or communications channel or channels [...e.g. figure 4d].

**Regarding claim 19**, Jacobson discloses wherein said user consists of a single individual or a group of individuals [...e.g. *lenders, site visit agents, deal agents*; par. 0019 and figure 1].

**Regarding claim 20**, Jacobson discloses wherein said group of individuals may access said research item information system from more than one and different said interface devices connected to said electronics and/or communications channel or channels [...figure 1, figures 4a-d].

**Regarding claim 21**, Jacobson discloses wherein a research item information system, comprising:

research item locator system for locating, selecting and otherwise providing information related to small unit research information [...e.g. *search feature (306) allow user to search for research information; search function (324)* (figure 3e; par. 0552); figures 4b, 4d; par. 0008; par. 0047];

transaction system for handling purchase of selected said small unit research information [...e.g. *order reports/information module for enabling the purchase of market reports (par 0010 and figure 3d (step 274); users can click on the button to purchase the information; par. 0253)*];

user activity storage system for tracking and storing the activity of a user within said research item information system [...*update the database with the user login information; par. 0497; par. 0502; figure 3c*].

research item delivery system for providing means of delivery of purchased said small unit research information [...e.g. *delivery of a variety of services to client including research information; par. 0041; allowing the user to view the report/information after purchasing; par. 0488 and figure 3c (step 240 for viewing business information)*];

means for managing the delivery to a user's interface device and via electronic and/or communications channel or channels, of one or more components for locating, selecting, purchasing and receiving delivery of said small unit research information [...e.g. *display the search results pages (330), (figure 3e); par. 0586; list of sorted results; (figure 4a)*];

means for designating stored user activity event upon said user activity related to said small unit research information [...*database for update the user's information; par. 0497; par. 0502*];

storage areas for retaining information related to small unit research information [...e.g. *research information stored in the data source; (par. 0011); store and archive*

*the news article or research information in the system database; par. 0543; and figure 1];*

*storage areas for retaining said stored user activity event [...e.g. user can save any property research results/activity event in MyWorkSpace section (128); par. 0608 and figure 3b];*

*means for allowing modification to said stored user activity event [...e.g. when the research results are save, user have an option to cancel the save request; user can submit the search to the system, change clear the search criteria and re-enter them; par. 0581; par. 0609];*

*means for associating with said user said activities performed by said user within said research item information system [...e.g. user can interact with the research center tool in different modules: research market, credit reports; par. 0049 and figure 3a-3g].*

Furthermore, the "small unit" data is non-functional descriptive data. When presented with a claim comprising descriptive material, an Examiner must determine whether the claimed nonfunctional descriptive material should be given patentable weight. The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401,404 (Fed. Cir. 1983). The PTO may not disregard claim limitations comprised of printed matter. See *Gulack*, 703 F.2d at 1384-85, 217 USPQ at 403; see also *Diamond v. Diehr*, 450 U.S. 175, 191, 209 USPQ 1, 10 (1981). However, the examiner need not give patentable weight to descriptive material absent a new and

unobvious functional relationship between the descriptive material and the substrate. See *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994); *In re Ngai*, 367 F.3d 1336, 1338, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004). Thus, when the prior art describes all the claimed structural and functional relationships between the descriptive material and the substrate, but the prior art describes a different descriptive material than the claim, then the descriptive material is nonfunctional and will not be given any patentable weight. That is, such a scenario presents no new and unobvious functional relationship between the descriptive material and the substrate.

The Examiner asserts that the data "small unit" adds little, if anything, to the claimed acts or steps and thus do not serve as limitations on the claims to distinguish over the prior art. MPEP 2106IV b 1(b) indicates that "nonfunctional descriptive material" is material "that cannot exhibit any functional interrelationship with the way the steps are performed". Any differences related merely to the meaning and information conveyed through data which does not explicitly alter or impact the steps is non-functional descriptive data. Except for the meaning to the human mind, the data small unit does not functionally relate to the substrate and thus does not change the steps of the method as claimed. The subjective interpretation of the data does not patentably distinguish the claimed invention.

**Regarding claim 22**, Jacobson discloses wherein said electronic and/or communications channel or channels comprise information technology networks and sources including local area networks, Internet, Intranet, Extranets and local

equipment; and communication networks and sources including digital and analog over-the-air transmissions, wireless transmissions, cable transmissions, and satellite transmissions [figure 1].

**Regarding claim 23**, Jacobson discloses wherein said research item information system resides within components containing an information technology processor and associated components [...information technology processor such as *the server platform* (145); figures 1 and 2.].

**Regarding claim 24**, Jacobson discloses wherein said components containing an information technology processor and associated components are accessed via said electronic and/or communications channel or channels [...information technology processor such as *the server platform* (145); figure 1 and 2.].

**Regarding claim 25**, Jacobson discloses wherein said components containing an information technology processor and associated components are local to said user and not accessed via said electronic and/or communications channel or channels [...*local database* (150); figure 1].

**Regarding claim 26**, Jacobson discloses wherein said small unit research information comprises:

information of singular subject matter extracted or otherwise existing within a larger body of information but by itself is not sufficient to offer the necessary detail to fully understand the body of work from which it was drawn [...e.g. "*Market report*" or "*Association Newsletters*" are the large body of information, wherein the "report or



*letter 1,2,3" are information of a singular subject matter extracted; see figures 4h; 4i;*  
and

information available in a plurality of formats including text, graphics, video, interactive communication, animation, audio; over-the-air transmission such as television and radio; tactile materials, olfactory materials, and other information formats [...e.g. *text*; figure 4h; 4i].

**Regarding claim 27**, Jacobson discloses wherein said small unit research information comprises information located and accessible through said electronics and/or communications channel or channels [figure 4d].

**Regarding claim 28**, Jacobson discloses wherein said small unit research information comprise:

materials used by one party in the process of educating, understanding, gaining knowledge, comprehending, and/or informing others [...e.g. *online research tool can be used for real estate sellers to research , evaluate and underwrite or gaining knowledge about the real estate markets, sub-markets and properties*; par. 0008];

materials supplied by another party including that developed by another party, that supplied but not developed by another party, and that referenced or linked by another party to other sources [...*materials such as real estate industry services is provided by services server platform (145) par. 0020; and server platform (145) is also provided hyperlink to a service provider's website*; par. 0026 and figures 4f, 4h]; and

materials that reside internally within components associated with said research item information system or reside externally to said research item information system

and accessible via said electronic and/or communications channel or channels [...e.g. reside externally to the research item information system; see figures 4f and 4h].

**Regarding claim 29**, Jacobson discloses wherein said managing the delivery to a user's interface device and via electronic and/or communications channel or channels, of one or more components may allow said components to exist separately or may exist concurrently within said user's interface device [...figures 4b and 4d].

**Regarding claim 30**, Jacobson discloses wherein said interface device comprises all connected, interrelated or otherwise associated equipment or devices that allow said user to experience and/or interact with other available, authorized and/or otherwise accessible resources within said electronic and/or communication channel or channels [...e.g. figure 1: *connection to user*; figure 3d: *interaction with user*; figure 4b: *user's interface*].

**Regarding claim 31**, Jacobson discloses wherein transaction system provides access to elements necessary for said handling purchase of selected said small unit research information [...*purchase reports (274)* figure 3d].

**Regarding claim 32**, Jacobson discloses wherein said elements necessary for said handling purchase of selected said small unit research information includes elements that are internal for otherwise directly associated with said research information system [...e.g. *enter purchase information direct on the website; (par. 0176); directly connect to the site to view reports; figure 3, step 276*];

**Regarding claim 33**, Jacobson discloses wherein said elements necessary for said handling purchase includes elements that are external or otherwise not directly

associated with said research item information system and are accessible via said electronic and/or communications channel or channels [...e.g. *access to market information is restricted to the "insiders' game; par. 0005*].

**Regarding claim 34**, Jacobson discloses wherein said transaction system contains a small payment transaction mechanism for assisting in purchase of small unit research information [...e.g. *payments (can be small payment or large payment) for the report or research information purchase will be processed; par. 0176; par. 0304*].

**Regarding claim 35**, Jacobson discloses wherein said transaction system contains a small payment transaction mechanism for assisting in purchase of small unit research information includes means for allowing micropayment transactions [...e.g. *payments (can be small payment or large payment) for the report or research information purchase will be processed; par. 0176; par. 0304*].

**Regarding claim 36**, Jacobson discloses wherein said storage areas for retaining information related to small unit research information contains information, references or characteristics related to said small unit research information [...e.g. *users have the ability to save the property name with the research request to reference the research request later; par. 0609*].

**Regarding claim 37**, Jacobson discloses wherein said research item delivery system of purchased said small unit research information allows for electronic delivery via said electronic and/or communications channel or channels of said purchased small unit research information [...e.g. *ordering the report and view report; figure 3f*]

**Regarding claim 38**, Jacobson discloses wherein said research item delivery system of purchased said small unit research information allows for non-electronic delivery of said purchased small unit research information [...*e.g. mail delivery*; par. 0020]

**Regarding claim 39**, Jacobson discloses wherein said user consists of a single individual or a group of individuals [...*e.g. lenders, site visit agents, deal agents*; par. 0019 and figure 1].

**Regarding claim 40**, Jacobson discloses wherein said group of individuals may concurrently access said assessment delivery and management system from more than one and different said interface devices connected to said electronics and/or communications channel or channels [...*e.g. save the results/information for future retrieval*; par. 0058; figure 4b].

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. The US Patent Application Publication to Rosenfelt et al. discloses the consumer pay the use fee for access to the restricted-access educational information; and to Kimmel, Jr discloses the system and method for automating the ordering and pricing of legal research.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-

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1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thuy-Vi Nguyen/

Examiner, Art Unit 3689

/Dennis Ruhl/

Primary Examiner, Art Unit 3689